

**IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION**

**UNITED STATES OF AMERICA**

**v.**

**JEAN PIERRE ARRUE**

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**Case No.: 3:05cr207-T**

**UNOPPOSED MOTION TO CONTINUE TRIAL**

**COMES NOW** the Defendant, JEAN PIERRE ARRUE, by and through undersigned counsel, Jennifer A. Hart, and pursuant to 18 U.S.C. §§ 3161(h)(1)(H) and (I) and (h)(8)(B)(I), moves this Court to continue the trial in this matter. In support of this Motion, Defendant would show the following:

1. On October 4, 2005, Jean Pierre Arrue and four co-defendants were charged in a Superseding Indictment with offenses involving a conspiracy to distribute marijuana.
2. The case is presently scheduled for trial on the August 7, 2006 trial term.
3. Mr. Arrue's co-defendants have pled guilty to the Indictment.
4. At a pretrial conference on July 17, 2006, undersigned counsel informed the Court that Mr. Arrue intended to plead guilty to Count 1 of the Indictment.<sup>1</sup> The parties have reached a verbal agreement in this case, and the Government has advised that it can provide Mr. Arrue with a written plea agreement today.
5. Mr. Arrue, however, is currently serving a federal sentence at the United States Penitentiary in Lompoc, California.
6. The Government will have to file a request to have Mr. Arrue brought into the Middle District of Alabama before the United States Marshal Service can move him.

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<sup>1</sup> Counts 2 and 3 concern activity which occurred after Mr. Arrue had withdrawn from the conspiracy.

7. The Marshal Service has informed undersigned counsel that it can have Mr. Arrue in Alabama on August 21, 2006.

8. Because this date is after the trial term, Mr. Arrue requests that his case be continued until the next trial term.

9. Mr. Arrue will be ready to enter a guilty plea within 1 day of his arrival in the Middle District of Alabama.

10. The Government, through Assistant United States Attorney Clark Morris, does not oppose the granting of a continuance.

11. Requests for a continuance of trial are addressed to the sound discretion of the trial court, *United States v. Darby*, 744 F.2d 1508, 1521 (11<sup>th</sup> Cir. 1984). Additionally, pursuant to 18 U.S.C. §§ 3161(h)(1)(I) and (h)(8)(B)(I), it is in the interest of justice and within the discretion of the trial court to continue this matter to allow the parties to prepare a negotiated plea agreement to be considered by the Court.

**WHEREFORE**, based upon the foregoing, Jean Pierre Arrue respectfully requests that his case be continued past the August 7, 2006 trial term.

Dated this 26<sup>th</sup> day of July 2006

Respectfully submitted,

s/Jennifer A. Hart  
**JENNIFER A. HART**  
FEDERAL DEFENDERS  
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**CERTIFICATE OF SERVICE**

I hereby certify that on July 26, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:  
  
Clark Morris.

Respectfully submitted,

s/Jennifer A. Hart  
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